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THE SITUATION IN THE MIDDLE EAST

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Report of the Secretary-General

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I. INTRODUCTION

1. The present report is submitted in pursuance of General Assembly resolution 46/82 A of 16 December 1991. In that resolution, the Assembly dealt with various aspects of the situation in the Middle East and requested the Secretary-General to report to the Security Council periodically on the development of the situation and to submit to the Assembly at its forty-seventh session a comprehensive report covering the developments in the Middle East in all their aspects. The present report covers the period from 16 November 1991 to 20 November 1992. It should be pointed out, however, that the report does not address the situation between Iraq and Kuwait. It is based mainly on information available in United Nations documents, to which references are made whenever appropriate.

II. UNITED NATIONS PEACE-KEEPING ACTIVITIES

2. There continue to be three United Nations peace-keeping operations in the area: two peace-keeping forces, the United Nations Disengagement Observer Force (UNDOF) and the United Nations Interim Force in Lebanon (UNIFIL), and one observer mission, the United Nations Truce Supervision Organization (UNTSO).

A. United Nations Disengagement Observer Force

3. UNDOF, with some 1,130 troops provided by Austria, Canada, Finland and Poland, is deployed between the Israeli and Syrian forces on the Golan Heights in accordance with the disengagement agreement concluded between Israel and the Syrian Arab Republic in May 1974. A group of UNTSO observers is detailed to the Force and assists it in the performance of its tasks. The main functions of the Force are to supervise the cease-fire between the Israeli and Syrian forces and to man the area of separation established by the disengagement agreement. The Security Council has extended the mandate of UNDOF as necessary, the last time on 29 May 1992 for a further period of six months until 30 November 1992 (resolution 756 (1992)).

4. The activities of the Force since May 1991 are described in two reports of the Secretary-General to the Security Council (S/23233 and Corr.1 and S/23955). As reported by the Secretary-General, the situation in the Israel-Syria sector has remained generally quiet; UNDOF has continued to perform its functions effectively with the cooperation of the parties, and there have been no serious incidents.

B. United Nations Interim Force in Lebanon

5. UNIFIL, which is deployed in southern Lebanon, was established by the Security Council in March 1978, following the first Israeli invasion of Lebanon. Its mandate is to confirm the withdrawal of Israeli forces, to

restore international peace and security and to assist the Government of Lebanon in ensuring the return of its effective authority in the area (resolution 425 (1978) of 19 March 1978).

6. The mandate of the Force has since been extended as necessary, the last time on 30 July 1992 for a further period of six months until 31 January 1993 by resolution 768 (1992). In the course of 1992, the strength of the Force was reduced by 10 per cent. At present UNIFIL has some 5,300 troops, provided by Fiji, Finland, France, Ghana, Ireland, Italy, Nepal, Norway, Poland and Sweden. A group of UNTSO observers assists the Force in the performance of its tasks.

7. UNIFIL's activities and the situation in its area of operation since July 1991 are described in two reports of the Secretary-General to the Security Council (S/23452 and S/24341). As reported by the Secretary-General, UNIFIL has continued, to the best of its ability, to prevent its area from being used for hostile activities and to protect civilians caught in the conflict. Although the Force has been prevented from carrying out its mandate, its contribution to stability in the region has nevertheless remained important.

C. United Nations Truce Supervision Organization

8. Established in 1948 to supervise the truce in Palestine, UNTSO has been given various assignments over the years, including the supervision of the General Armistice Agreements of 1949 between Israel and the four neighbouring Arab States and the observation of cease-fires after subsequent wars. During the period under review, UNTSO continued to assist UNDOF and UNIFIL in the performance of their tasks and to maintain an observer group in the Egypt-Israel sector as well as liaison offices in Amman and Beirut. The headquarters is in Jerusalem.

9. UNTSO is currently undergoing a streamlining, gradually reducing its strength from 298 to some 220 military observers from Argentina, Australia, Austria, Belgium, Canada, Chile, China, Denmark, Finland, France, Ireland, Italy, the Netherlands, New Zealand, Norway, the Russian Federation, Sweden, Switzerland and the United States of America.

III. SITUATION IN THE OCCUPIED TERRITORIES

10. The General Assembly, at its forty-sixth session, after considering the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories (A/46/522), composed of representatives of Senegal, Sri Lanka and Yugoslavia, adopted resolutions 46/47 A to G on 9 December 1991. By these resolutions, the Assembly, inter alia, demanded that Israel desist forthwith from a number of policies and practices mentioned in the resolution and renewed the mandate of the Special Committee (resolution 46/47 A); reaffirmed

that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, was applicable to the occupied Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967, and strongly demanded that Israel accept the de jure applicability of the Convention and comply with its provisions (resolution 46/47 B); demanded that Israel desist forthwith from taking any action that would result in changing the legal status, geographical nature or demographic composition of the occupied Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967 (resolution 46/47 C); deplored the arbitrary detention or imprisonment by Israel of thousands of Palestinians (resolution 46/47 D); demanded that the Government of Israel rescind the illegal measures taken by its authorities in deporting Palestinians and facilitate their immediate return (resolution 46/47 E); determined that all legislative and administrative measures and actions taken or to be taken by Israel that purport to alter the character and legal status of the occupied Syrian Golan were null and void and constituted a flagrant violation of international law (resolution 46/47 F); and condemned Israeli policies and practices against Palestinian students and faculty members in schools, universities and other educational institutions in the occupied Palestinian territory and demanded that Israel comply with the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, rescind all actions and measures taken against all educational institutions, ensure the freedom of those institutions and refrain forthwith from hindering the effective operation of the universities, schools and other educational institutions (resolution 46/47 G).

11. During the period under review, the Security Council met twice, in January and April 1992, to consider the situation in the occupied Arab territories. On 6 January 1992, the Security Council adopted resolution 726 (1992) by which it strongly condemned the decision of Israel, the occupying Power, to resume deportations of Palestinian civilians; reaffirmed the applicability of the Fourth Geneva Convention of 12 August 1949 to all the Palestinian territories occupied by Israel since 1967, including Jerusalem; requested Israel to refrain from deporting any Palestinian civilians from the occupied territories and to ensure the safe and immediate return to the occupied territories of all those deported. It decided to keep the matter under review.

12. On 4 April 1992, in a statement by the President (S/23783), the members of the Security Council expressed their grave concern over the continued deterioration of the situation in the Gaza Strip, especially the current serious situation in Rafah in which several Palestinians had been killed and many more injured; they condemned all these acts of violence at Rafah and urged maximum restraint in order to bring the violence to an end. They further urged Israel to abide at all times by its obligations under the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and to respect and to act in accordance with the relevant resolutions of the Security Council; and expressed their concern that any escalation of violence would have serious implications for the peace process, especially at a time when negotiations to achieve a comprehensive,

just and lasting peace were under way. The members of the Security Council requested the Secretary-General to use his good offices, in accordance with resolution 681 (1990) of 20 December 1990, regarding the situation concerning Palestinian civilians under Israeli occupation.

13. On 14 February 1992, the Commission on Human Rights adopted resolution 1992/1 by which it determined that all legislative and administrative measures and actions taken or to be taken by Israel that purported to alter the character and legal status of the Syrian Golan were null and void, constituted a flagrant violation of international law and of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and had no legal effect. On the same day, the Commission also adopted resolutions 1992/2 A and B concerning the question of the violation of human rights in the occupied Arab territories, including Palestine. Furthermore, on the same day the Commission on Human Rights adopted resolution 1992/3 concerning Israeli settlements in the occupied Arab territories by which it reaffirmed that the installation of Israeli civilians in the occupied territories was illegal and constituted a violation of the relevant provisions of the Fourth Geneva Convention, and urged the Government of Israel to abstain from installing settlers, including immigrants, in the occupied territories.

14. The Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories held periodic meetings in pursuance of General Assembly resolution 46/47 A. Between meetings, the Special Committee was kept informed of events taking place in the occupied territories; the information was gathered from a variety of sources, including oral testimony and written communications. At its meetings, the Special Committee reviewed that information and assessed the human rights situation in the occupied territories. In accordance with resolution 46/47 A, the Assembly at its current session has before it the periodic reports of the Special Committee (A/47/76 and A/47/262), as well as the Special Committee's twenty-fourth report (A/47/509).

15. During its forty-sixth session, the General Assembly also adopted resolutions 46/201 of 20 December 1991 concerning assistance to the Palestinian people, 46/162 of 19 December 1991 concerning living conditions of the Palestinian people in the occupied Palestinian territory and 46/199 of 20 December 1991 concerning adverse economic effects of Israeli settlements in the occupied Palestinian territory, including Jerusalem, and other Arab territories occupied since 1967. These questions are the subject of separate reports, which have been circulated under the relevant agenda items.

IV. PALESTINE REFUGEE PROBLEM

16. Following its consideration, at its forty-sixth session, of the report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) for the period 1 July 1990 to 30 June 1991, 1/ the General Assembly adopted 11 resolutions on this subject on 9 December 1991. In resolution 46/46 A, the Assembly noted with deep

regret that repatriation or compensation of the refugees as provided for in paragraph 11 of its resolution 194 (III) had not been effected, that no substantial progress had been made in the programme endorsed by the Assembly in paragraph 2 of its resolution 513 (VI) for the reintegration of refugees either by repatriation or resettlement and that, therefore, the situation of the refugees continued to be a matter of serious concern; expressed its thanks to the Commissioner-General and to all the staff of UNRWA, recognizing that the Agency was doing all it could within the limits of available resources; reiterated its request that the headquarters of the Agency should be relocated to its former site within its area of operations as soon as practicable; noted with regret that the United Nations Conciliation Commission for Palestine had been unable to find a means of achieving progress in the implementation of paragraph 11 of resolution 194 (III), and requested the Commission to exert continued efforts towards the implementation of that paragraph and to report to the Assembly as appropriate, but no later than 1 September 1992; directed attention to the continuing seriousness of the financial position of the Agency as outlined in the report of the Commissioner-General; noted with profound concern that, despite the commendable and successful efforts of the Commissioner-General to collect additional contributions, that increased level of income to the Agency was still insufficient to cover current essential requirements; and called upon all Governments, as a matter of urgency, to make the most generous efforts possible to meet the anticipated needs of the Agency.

17. The report of the United Nations Conciliation Commission for Palestine under General Assembly resolution 46/46 A and the report of the Working Group on the Financing of UNRWA under resolution 46/46 B have been circulated as documents A/47/413 and A/47/576, respectively.

18. The other resolutions adopted by the General Assembly dealt with the Working Group on the Financing of UNRWA (resolution 46/46 B); assistance to persons displaced as a result of the June 1967 and subsequent hostilities (resolution 46/46 C); offers by Member States of grants and scholarships for higher education, including vocational training, for Palestine refugees (46/46 D); Palestine refugees in the Palestinian territory occupied by Israel since 1967 (resolution 46/46 E); resumption of the ration distribution to Palestine refugees (resolution 46/46 F); return of population and refugees displaced since 1967 (resolution 46/46 G); revenues derived from Palestine refugees' properties (resolution 46/46 H); protection of Palestine refugees (resolution 46/46 I); the University of Jerusalem "Al-Quds" for Palestine refugees (resolution 46/46 J); and protection of Palestinian students and educational institutions and safeguarding of the security of the facilities of UNRWA in the occupied Palestinian territory (resolution 46/46 K). The situation of the Palestine refugees and the activities of UNRWA since the adoption of these resolutions are described in the annual report of the Commissioner-General of UNRWA for the period from 1 July 1991 to 30 June 1992. 2/ The reports of the Secretary-General under resolutions 46/46 D, E, F, G, H, I, J and K have been circulated as documents A/47/488, A/47/489, A/47/490, A/47/491, A/47/438, A/47/492, A/47/601 and A/47/493, respectively.

V. QUESTION OF PALESTINE

19. At its forty-sixth session, on 11 December 1991, the General Assembly adopted five resolutions under the agenda item entitled "Question of Palestine".

20. In resolution 46/74 A, the General Assembly endorsed the recommendations contained in paragraphs 87 to 95 of the report of the Committee on the Exercise of the Inalienable Rights of the Palestinian People; 3/ requested the Committee to continue to keep under review the situation relating to the question of Palestine as well as the implementation of the Programme of Action for the Achievement of Palestinian Rights; 4/ and authorized the Committee to continue to exert all efforts to promote the implementation of its recommendations.

21. In resolution 46/74 B, the General Assembly requested the Secretary-General to provide the Division for Palestinian Rights of the Secretariat with the necessary resources, including a computer-based information system; and also requested him to ensure the continued cooperation of the Department of Public Information and other units of the Secretariat in enabling the Division for Palestinian Rights to perform its tasks and in covering adequately the various aspects of the question of Palestine.

22. In resolution 46/74 C, the General Assembly requested the Department of Public Information, in full cooperation and coordination with the Committee on the Exercise of the Inalienable Rights of the Palestinian People, to continue, with the necessary flexibility as might be required by developments affecting the question of Palestine, its special information programme on the question of Palestine.

23. In resolution 46/75, the General Assembly reaffirmed the urgent need to achieve a just and comprehensive settlement of the Arab-Israeli conflict, the core of which was the question of Palestine; considered that the convening of an International Peace Conference on the Middle East, under the auspices of the United Nations, with the participation of all parties to the conflict, including the Palestine Liberation Organization, on an equal footing, and the five permanent members of the Security Council, based on Council resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973 and the legitimate national rights of the Palestinian people, primarily the right to self-determination, would contribute to the promotion of peace in the region. The Assembly reaffirmed the following principles for the achievement of comprehensive peace: the withdrawal of Israel from the Palestinian territory occupied since 1967, including Jerusalem, and from the other occupied Arab territories; guaranteeing arrangements for security of all States in the region, including those named in resolution 181 (II) of 29 November 1947, within secure and internationally recognized boundaries; resolving the problem of the Palestine refugees in conformity with Assembly resolution 194 (III) of 11 December 1948, and subsequent relevant resolutions; dismantling the Israeli settlements in the territories occupied since 1967; and guaranteeing freedom of access to Holy Places, religious buildings and sites. The Assembly

welcomed the convening at Madrid, on 30 October 1991, of the Peace Conference on the Middle East, which constituted a significant step towards the establishment of a comprehensive, just and lasting peace in the region; noted the expressed desire and endeavours to place the Palestinian territory occupied since 1967, including Jerusalem, under the supervision of the United Nations for a transitional period, as part of the peace process; and requested the Secretary-General to continue his efforts with the parties concerned, and in consultation with the Security Council, for the promotion of peace in the region, and to submit progress reports on developments in this matter.

24. In resolution 46/76, the General Assembly condemned those policies and practices of Israel, the occupying Power, which violated the human rights of the Palestinian people in the occupied Palestinian territory, including Jerusalem, and, in particular, such acts as the opening of fire by the Israeli army and settlers that result in the killing and wounding of defenceless Palestinian civilians, the imposition of restrictive economic measures, the demolition of houses, the ransacking of real or personal property belonging individually or collectively to private persons, collective punishment and detentions, and so forth. It demanded that Israel, the occupying Power, abide scrupulously by the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and desist immediately from those policies and practices which were in violation of the provisions of the Convention; called upon all the High Contracting Parties to the Convention to ensure respect by Israel, the occupying Power, for the Convention in all circumstances, in conformity with their obligation under article 1 thereof; and urged all the High Contracting Parties to the Geneva Convention to respond to the note verbale submitted to them by the Secretary-General in accordance with paragraph 6 of Security Council resolution 681 (1990). The Assembly strongly deplored the continuing disregard by Israel, the occupying Power, of the relevant decisions of the Security Council; reaffirmed that the occupation by Israel of the Palestinian territory since 1967, including Jerusalem, and of the other Arab territories in no way changed the legal status of those territories; requested the Security Council to examine with urgency the situation in the occupied Palestinian territory with a view to considering measures needed to provide international protection to the Palestinian civilians in the Palestinian territory occupied by Israel since 1967, including Jerusalem; invited Member States, the organizations of the United Nations system, governmental, intergovernmental and non-governmental organizations, and the mass communications media to continue and enhance their support for the Palestinian people; and requested the Secretary-General to examine the present situation in the Palestinian territory occupied since 1967, including Jerusalem, by all means available to him and to submit periodic reports thereon, the first such report as soon as possible.

25. The report of the Committee on the Exercise of the Inalienable Rights of the Palestinian People to the General Assembly at its forty-seventh session appears in document A/47/35.

VI. SITUATION IN THE MIDDLE EAST

26. At its forty-sixth session, on 16 December 1991, the General Assembly adopted two resolutions concerning the situation in the Middle East. In resolution 46/82 A, the Assembly reaffirmed its conviction that the question of Palestine was the core of the conflict in the Middle East and that no comprehensive, just and lasting peace in the region would be achieved without the full exercise by the Palestinian people of its inalienable national rights and the immediate, unconditional and total withdrawal of Israel from the Palestinian territory occupied since 1967, including Jerusalem, and the other occupied Arab territories; reaffirmed that a just and comprehensive settlement of the situation in the Middle East could not be achieved without the participation on an equal footing of all the parties to the conflict, including the Palestine Liberation Organization; declared once more that peace in the Middle East was indivisible and must be based on a comprehensive, just and lasting solution of the Middle East problem under the auspices of the United Nations and on the basis of its relevant resolutions; considered the Arab Peace Plan adopted unanimously at the Twelfth Arab Summit Conference, held at Fez, Morocco, and confirmed by the Extraordinary Summit Conference of Arab States, held at Casablanca, Morocco, as an important contribution towards the realization of the inalienable rights of the Palestinian people through the achievement of a comprehensive, just and lasting peace; condemned Israel's continued occupation of the Palestinian territory occupied since 1967, including Jerusalem, and the other occupied Arab territories, and demanded the immediate, unconditional and total withdrawal of Israel from all the territories occupied since 1967; rejected all agreements and arrangements that violated the inalienable rights of the Palestinian people and contradicted the principles of a just and comprehensive solution to the Middle East problem; determined that Israel's decision to annex Jerusalem and to declare it as its "capital" as well as the measures to alter its physical character, demographic composition, institutional structure and status were null and void and demanded that they be rescinded immediately; condemned Israel's aggression, policies and practices against the Palestinian people in the occupied Palestinian territory and outside that territory; condemned Israel's annexationist policies and practices in the occupied Syrian Arab Golan; called upon all States not to provide Israel with any assistance to be used specifically in connection with settlements in the occupied territories; and strongly deplored the collaboration between Israel and South Africa. In resolution 46/82 B, the Assembly deplored the transfer by some States of their diplomatic missions to Jerusalem.

27. General Assembly resolutions 46/82 A and B were brought to the attention of Member States, and a report of the Secretary-General including the relevant comments received from Member States was circulated as document A/47/673.

28. On 19 February 1992, the Security Council considered the situation in the Middle East. In a statement by the President (S/23610), the members of the Security Council expressed their deep concern about the renewed and rising cycle of violence in southern Lebanon and elsewhere in the region, deploring in particular the recent killings and the continued violence, which threatened

to claim additional lives and to destabilize the region further. They called upon all those involved to exercise maximum restraint in order to bring such violence to an end; reaffirmed their commitment to the full sovereignty, independence, territorial integrity and national unity of Lebanon within its internationally recognized boundaries, as set out in resolution 425 (1978); and asserted that any State should refrain from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations. They expressed their continued support for all efforts to bring peace to the region on the basis of resolutions 242 (1967) and 338 (1973) and urged all the parties concerned to work vigorously to enhance the ongoing peace process.

VII. OBSERVATIONS

29. During the past year I have followed closely the negotiating process which was launched at the Peace Conference on the Middle East at Madrid in October 1991. I have also maintained close contacts with the parties concerned and the co-sponsors of the peace talks. In meetings with leaders from the Middle East, I have consistently expressed support for the negotiations and have underlined the readiness of the United Nations to assist in any way that might be useful. It is therefore encouraging to be able to report that today all of the parties welcome United Nations involvement in the process - an involvement which, I hope, will intensify in the months ahead. It is incumbent on every participant in this process to muster the goodwill, flexibility and determination necessary to sustain the negotiations until they achieve their goal. The peoples of the Middle East - a region which has been subjected to five major wars, and where tension and bloodshed continue to cast a shadow over the fragile process that has been established - deserve no less.

30. I have always believed that the United Nations, with its wide experience in peace-keeping, humanitarian relief and technical assistance, is in a position to play a more substantive and integrated role in the Middle East. History recalls that United Nations peace-keeping has its origins in this region; United Nations observers and peace-keeping forces have for decades contributed to peace and stability in the area. On the economic and social side, United Nations agencies and programmes have a solid record of assistance in the region. Finally, and not least important, United Nations resolutions have long been recognized as the cornerstone of a comprehensive settlement of the Arab-Israeli conflict: Security Council resolutions 242 (1967) and 338 (1973) are the basis of the present negotiating process.

31. One month ago, the United Nations was invited to attend as a full participant the multilateral working groups on regional issues. On 20 November 1992, I appointed Ambassador Chinmaya Gharekhan of India as my Special Representative to the multilateral talks. He will coordinate the role of the United Nations in the working groups on arms control and regional security, water, environment, economic and regional development and refugees.

32. The multilateral talks are themselves a recognition of the need not only to reach a just and lasting settlement of the Arab-Israeli conflict but to secure the foundations upon which peace can be sustained. Economic and social development is a fundamental aspect of international peace and security, and this is no less true in the Middle East than in other regions of the world. The United Nations will spare no effort in helping to achieve these objectives.

Notes

1/ Official Records of the General Assembly, Forty-sixth Session, Supplement No. 13 and corrigendum and addendum (A/46/13 and Corr.1 and Add.1).

2/ Ibid., Forty-seventh Session, Supplement No. 13 (A/47/13).

3/ Ibid., Forty-sixth Session, Supplement No. 35 (A/46/35).

4/ Report of the International Conference on the Question of Palestine, Geneva, 29 August-7 September 1983 (United Nations publication, Sales No. E.83.I.21), chap. I, sect. B.